

## **COACHELLA VALLEY MOUNTAINS CONSERVANCY**

**Regular Meeting – January 10, 2005, 3:00 PM**  
**73-710 Fred Waring Drive, Conference Room 115**  
**Palm Desert, CA 92260**

**Tele-conference location: January 10, 2005, 3:00 PM**  
**Wildlife Conservation Board, 1807 13<sup>th</sup> Street, Suite 103**  
**Sacramento, CA 95814\***

## **AGENDA**

- 1.0 Call to Order
- 2.0 Approval of Minutes of November 8, 2004 meeting
- 3.0 Public Comments

At this time any member of the public may address the Governing Board on any item. The Board cannot take action on an item not on the agenda, but it can place it on the agenda for a future meeting.

- 4.0 Action Items
  - 4.1 Resolution 2005-01 approving a grant to the Friends of the Desert Mountains for the acquisition of up to 130 acres in the Edom Hill area of the Indio Hills. [See Attachment 1].
  - 4.2 Resolution 2005-02 approving a grant to the Friends of the Desert Mountains for the acquisition of approximately 85 acres in the Edom Hill area of the Indio Hills. [See Attachment 2].
- 5.0 Closed Session – No matters are scheduled.

Pursuant to Government Code sections 11126 (a)(1), 11126 (e)(1) and 11126.3(a) the Board may hold a closed session to discuss and take possible action on personnel matters and or receive advice of counsel on pending or potential litigation. In addition, pursuant to Government Code section 11126 (c) 7(A) the Board may meet in closed session with its negotiator prior to the purchase or sale of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase or sale. Confidential memoranda related to these issues may be considered during such closed session discussions.
- 6.0 Information/Discussion Items
  - 6.1 Information for Governing Board regarding potential acquisition of approximately 550 acres in the Stubbe Canyon area.
  - 6.2 Information on Dedication Ceremony for the Cathton/Joshua Hills Property on November 20, 2004.

7.0 Reports

7.1 Fiscal and Administration [See Attachment 3.]

7.2 Acquisitions and Funding [See Attachment 3.]

7.3 MSHCP/NCCP [See Attachment 3.]

7.4 Attorney General's Report [See Attachment 3.]

7.5 Board Member comments and reports from Conservancy member agencies. This is an opportunity for any of the Governing Board Members to present a report on matters of interest regarding the agency he or she represents.

8.0 Adjourn to March 14, 2005 meeting

**\*NOTICE OF TELECONFERENCE MEETING:**

One member of the Conservancy Board, John Donnelly, will attend the meeting via teleconference. The location of this teleconference site is open to the public and accessible to the disabled.

This agenda is available on our website at <http://www.cvmc.ca.gov>. Anyone with questions about any item on the agenda may contact Katie Barrows at 73-710 Fred Waring Drive, Suite 205, Palm Desert, CA 92260. The phone number is (760) 776-5026.

**COACHELLA VALLEY MOUNTAINS CONSERVANCY**

**REGULAR MEETING  
73-710 Fred Waring Drive, Suite 115  
Palm Desert, California**

**November 8, 2004 - 3:00 p.m.  
M I N U T E S**

**MEMBERS PRESENT:**

Gail Acheson, Bureau of Land Management  
Robert Bernheimer, City of Indian Wells  
Gary Bosworth, City of Desert Hot Springs  
Buford Crites, City of Palm Desert  
Danella George (for Laurie Rosenthal), U.S. Forest Service  
Eddy Konno, California Department of Fish and Game  
Paul Marchand, City of Cathedral City  
Richard Milanovich, Agua Caliente Band of Cahuilla Indians  
Chris Mills, City of Palm Springs  
Jeff Morgan, Senate Appointee  
Dr. Al Muth, University of California – *Chairman*  
Stanley Sniff, City of La Quinta - *Vice-Chairman*  
Joan Taylor, Governor's Appointee  
Don Wallace, California Resources Agency (by telephone)  
Roy Wilson, Riverside County Supervisor, District IV

**MEMBERS ABSENT:**

John Donnelly, Wildlife Conservation Board  
Mike Fedderly, Assembly Appointee  
Mathew Fuzie, California State Parks  
Dave Harper, Department of Finance  
Richard Kite, City of Rancho Mirage  
Curt Sauer, Joshua Tree National Park

**OTHERS PRESENT:**

Staff

Bill Havert, Executive Director  
Katie Barrows, Associate Director  
Clara Slifkin, California Attorney General's Office  
Kerrie Marshall, Administrative Assistant

Other Attendees

Frank Mowry, Santa Rosa & San Jacinto Mountains National Monument

**1.0 Call to Order/Introduction of Guests**

This meeting of the Coachella Valley Mountains Conservancy was called to order by Chairman Muth at 3:10 p.m. Self introductions were made by all present. Don Wallace was present on the telephone. Danella George was present representing the US Forest Service but noted she would not be voting on any items.

**2.0 Approval of Minutes of September 13, 2004**

Chairman Dr. Al Muth asked if there were any additions or changes to the minutes. He noted that John Donnelly was listed as absent by phone and this needed to be corrected. A motion was made and seconded (Sniff/Marchand) to approve the minutes as amended with the following members voting yes (G. Acheson, R. Bernheimer, B. Crites, E. Konno, J. Morgan, S. Sniff, J. Taylor, D. Wallace, R. Wilson) and the following members abstaining (G. Bosworth, R. Milanovich, C. Mills, A. Muth).

**3.0 Public Comments on Items Not on the Agenda**

No public comments were made.

**4.0 Action Items**

**4.1 Resolution 2004-14 approving a grant to the Friends of the Desert Mountains for the acquisition of approximately 134.26 acres in the Santa Rosa and San Jacinto Mountains National Monument. (Attachment 1.)**

Bill Havert described the proposed grant to the Friends of the Desert Mountains to acquire approximately 134 acres of bighorn sheep habitat in the Royal Carrizo area. He showed the location of the property west of Highway 74, adjacent to the existing Carrizo Canyon Ecological Reserve (California Dept. of Fish and Game (CDFG) land) and across the highway from Hidden Palms Ecological Reserve. The property is surrounded on three sides by existing ecological reserve land and on the west side by private development in Royal Carrizo. He explained that the significance of acquiring parcels in this area would be to secure habitat in conjunction with the State's ecological reserve and could have benefits for downstream water supplies. BLM is interested in acquiring the property using Land and Water Conservation Fund money but needs to finish the appraisal review. The landowner has some concern about selling to the BLM although staff has explained to her that it is within the National Monument so could not be exchanged without congressional approval. The concept is for a Conservancy grant to be given to Friends of the Desert Mountains for acquisition of the property with possible sale to BLM at a later date.

Eddy Konno from The Department of Fish and Game (CDFG) asked a question regarding an ancient document that says that CDFG gets a water supply from Royal Carrizo that flows into a water tank below this property, feeding into a drinker for wildlife at the bottom of Carrizo Canyon. He noted that they are all for this acquisition because it closes out the Carrizo reserve as long as it doesn't affect their ability to get water from this water source. Bill noted that with the acquisition the land would become conservation land and would improve the situation. He noted that he didn't see anything in the preliminary title report about this particular right so if there is a document it should be provided to the Friends as part of the acquisition.

Joan Taylor noted her intent to abstain as a member of the Friends board and asked a question about the monetary value of the property. Bill explained that the

reason it appraised as high as it did was that the general plan designation for this property is one unit per five acres which would allow subdivision into residential lots like those in the adjacent Royal Carrizo development; lots in Royal Carrizo are selling for over \$100,000.

Don Wallace asked a question about the content of the resolution. He requested that under item 7 of the resolution, the Department of Finance be listed as a reviewing agency on all future grants for audit purposes. Bill Havert agreed to add DOF to this resolution and all future grants.

Richard Milanovich suggested that something about the water supply be included as a condition of the grant. Bill Havert suggested that in the absence of a document indicating rights to the water supply, a condition could be added to the grant to the Friends which would require them to enter into an agreement with CDFG to provide water. He noted there is an easement on the property for a well for Royal Carrizo. Eddy Konno clarified that the water source would involve whatever water supply is used by Royal Carrizo. Robert Bernheimer questioned whether an additional agreement was necessary and whether a grant that the Conservancy is making should make changes to the rights of CDFG and give them greater rights than they already have. Bill Havert noted this is a policy decision such that if the Board felt it was in furtherance of our mission to conserve the biological resources on the land acquired with grant funds, a reasonable argument could be made that a condition for the water source was warranted. Buford Crites noted that we don't know enough about the agreement on the water source and the most reasonable condition would be to not interfere with any existing agreements. After some discussion it was agreed that the Friends would be conditioned to respect all current conditions and rights on the property.

Jeff Morgan asked who would end up with the land if it is acquired by the Friends. Bill Havert responded that the land could be sold to BLM, which would put the money back in circulation for additional acquisition. The Friends could convey the land to Fish and Game for management purposes since it adjoins DFG lands but this would require approval by this Board. As a condition of the grant, the Friends can't dispose of the land without approval by the Conservancy Board. The Friends could also hold the land. He also noted that Eddy Konno had indicated there is a source of funds from CDFG, potentially \$100,000, which could be contributed toward this acquisition.

A motion was made and seconded (Wilson/Crites) to approve the amended Resolution 2004-14 approving a grant to the Friends of the Desert Mountains for the acquisition of approximately 134.26 acres in the Santa Rosa and San Jacinto Mountains National Monument with the addition of the Department of Finance to item 7 and the addition of a condition regarding maintenance of all current rights and conditions. Bill Havert noted that approval of the resolution for acquisition would require 11 affirmative votes. There was some discussion regarding potential conflict of interest. The motion was approved with the following members present voting yes: R. Bernheimer, G. Bosworth, B. Crites, E. Konno, R. Milanovich, C. Mills, J. Morgan, A. Muth, S. Sniff, D. Wallace, R. Wilson. G. Acheson and J. Taylor abstained.

**4.2 Resolution 2004-15 approving a grant to the Friends of the Desert Mountains for an Environmental Enhancement and Mitigation (EEM) program acquisition grant for which the Friends have applied (Attachment 2.)**

Bill Havert explained that The Friends of the Desert Mountains is submitting an application to the Resources Agency under the Environmental Enhancement and Mitigation (EEM) program for a \$250,000 grant to acquire land in the sand transport and wildlife linkage areas for the Coachella Valley Fringe-toed Lizard Preserve. While it is not absolutely required, grant applications with matching funds score higher and thus have a competitive advantage. Matching funds may come from any source or combination of sources. There are several potential funding sources, including fringe-toed lizard fees and funds raised by the Friends of the Desert Mountains; there is no certainty that when grant funds become available next summer that those funds would be available. However at this point a certain source of funds the Friends could identify in the grant application would be a grant from the Conservancy. He noted that the grant funds could be used to acquire lands in areas which are important for the multi-species HCP. One of the acquisition areas is to consolidate lands in the area of the Cathton acquisition and the other is west of the existing Thousand Palms Preserve which has already been a major acquisition area. This is an opportunity to leverage a grant from the Conservancy with a \$250,000 EEM grant from the state to the Friends. The proposed match is a 1:1 match, or \$250,000 contingent on the Friends receiving an EEM grant. A motion was made and seconded (Marchand/Sniff) to approve Resolution 2004-15 with the amended language adding the Department of Finance to item 7 of the resolution. Stan Sniff also asked that in the future the language in the next to the last "whereas" be changed from "a maximum of ..." to "not to exceed . . . ." The motion was passed with the following members present voting yes: G. Acheson, R. Bernheimer, G. Bosworth, B. Crites, E. Konno, P. Marchand, R. Milanovich, C. Mills, J. Morgan, A. Muth, S. Sniff, D. Wallace, and R. Wilson. Joan Taylor abstained. Don Wallace noted that the EEM grant program is operated out of the Resources Agency, involving a competitive process, and his "aye" vote does not imply that the grant would be approved by the Resources Agency.

**5.0 Closed Session**

*Note: the closed session discussion was moved to the end of the meeting.*

Clara Slifkin indicated that we have one matter to be considered under closed session and pursuant to Government Code Section 11126 (c) 7(A) the Board was going into closed session. The closed session pertains to a potential acquisition of approximately 550 acres in the unincorporated area of Riverside County by the Trust for Public Lands that would require funding assistance from the Conservancy. The negotiator would be Executive Director Bill Havert who will be given general direction. Bill Havert noted the location of the property in the Stubbe Canyon area. Clara Slifkin noted that all members of the public and the Forest Service representative had left.

Following the conclusion of the closed session, Clara Slifkin noted for the record that the Governing Board discussed a potential acquisition of approximately 550 acres in the unincorporated area of Riverside County by the Trust for Public Lands that would require funding assistance from the Conservancy and gave general direction regarding the negotiations to Executive Director Bill Havert.

## **6.0 Information/ Discussion Items**

### **6.1 Meeting Schedule for 2005**

The meeting schedule for 2005 was distributed in the agenda packet.

### **6.2 Ethics Training Reminder**

Clara reminded the board that Ethics Training Certificates are due on December 31, 2004 with the exception of board members who are federal employees. There is a change in the government code that excludes federal members of state boards from having to complete ethics and conflict of interest forms.

## **7.0 Reports**

### **7.1 Fiscal and Administration**

No report other than as included in the agenda packet.

### **7.2 Acquisitions and Funding**

No report other than as included in the agenda packet.

### **7.3 MSHCP/NCCP**

Al Muth noted that the Coachella Valley Multiple Species HCP was released for a 90 day public review period on November 5, 2004.

### **7.4 Attorney General's Report**

No additional report.

### **7.5 Board member comments.**

Jeff Morgan commented about a project that came up about 5 years ago in the Pine Mountain area for a broadcast tower and access road. This project went away but is now being considered again with a feasibility study. The project land is completely surrounded by U.S. Forest Service land. Bill Havert pointed out the location of the Pine Mountain property and an access road coming up from Garner Valley off Highway 74 from Morris Ranch Road. Jeff noted the road would go through lands recently acquired by the Forest Service. There is no legal existing road. He was providing this for information purposes.

Robert Bernheimer commented that AB 2782, which does not affect the Conservancy, was passed by the legislature and signed by the Governor. It requires joint powers authorities (JPAs) to pass a policy to enact AB 2782 that allows board members to share closed session items that have a financial impact on that relevant agency. Indian Wells has passed a resolution in support of this policy. He explained that it does provide that an individual representative that sits on a JPA board could go to their city attorney to explain the problem and have the city attorney help determine whether the item could be discussed in closed session. Al Muth asked whether any legislation is planned for entities covered by the Bagley-Keene Act, such as the Conservancy. Robert Bernheimer responded that there will probably be a waiting period to see what happens with AB 2782 as it is implemented.

### **Adjourn to January 10, 2005**

Meeting adjourned at 3:45 p.m. A motion to adjourn was made and seconded (Marchand/Sniff). The motion passed unanimously with all members present voting yes (G. Acheson, R. Bernheimer, G. Bosworth, B. Crites, E. Konno, P. Marchand, R. Milanovich, C. Mills, J. Morgan, A. Muth, S. Sniff, J. Taylor, D. Wallace, R. Wilson).

## **ATTACHMENT 1 - January 10, 2005**

**Agenda Item 4.1.** Resolution 2005-01 approving a grant to the Friends of the Desert Mountains for the acquisition of up to 130 acres in the Edom Hill area of the Indio Hills.

### **BACKGROUND**

The Friends of the Desert Mountains has requested a grant for up to \$1,100,000 towards the acquisition of up to 130 acres in Sections 22 and 27, T3S R5E in the Edom Hill area of the Indio Hills [See attached map referencing Item 4.1]. The grant amount is based on the price at which the property is currently in escrow by a prospective buyer. The properties are currently in escrow for \$1,100,000, including terms of a \$440,000 payment and a Note for \$660,000 at 8% per annum. The buyer is primarily interested in a 30-acre parcel which he would like to develop at least a portion of, and is willing to assign the acquisition of the other 100 acres to the Friends. This 30-acre parcel is accessed by and is located immediately north of Edom Hill Road, westerly of the former Edom Hill landfill and current transfer station (this parcel indicated on map as "Item 4.1 (4)"). The other 100 acres is comprised of 4 parcels located at the base of the Indio Hills on the north side of Edom Hill. This acreage is east of the existing Willow Hole Preserve and contains an important wash that acts as a sand source for the area just beyond Willow Hole known as Stebbins' Dune. A major portion of the Stebbins' Dune was acquired by the Friends several years ago with a grant from the Conservancy. Up to an additional \$10,000 is assumed for closing costs for a total grant of up to \$1,110,000.

All the parcels are proposed for conservation in the Draft Multiple Species Habitat Conservation Plan (MSHCP). The 30-acre parcel along Edom Hill Road is within Cathedral City and has industrial zoning. The other parcels are in the unincorporated area and have a land use designation of Rural Desert, which allows one unit per ten acres. The Friends has an appraisal being prepared, the results of which will not be known until January 5. The buyer's escrow is set to close in early February, so the decision as to whether or not to buy the property needs to be made by the Friends immediately after the appraisal is completed. Thus, this grant proposal has been placed on the January agenda for Governing Board consideration even though final details of an acquisition remain to be determined at the time of this writing. Those details will be presented at the Board meeting with a final recommendation as to acreage to be acquired and the amount of the grant. After receipt of the appraisal, the Friends will negotiate the final acreage to be acquired and the purchase price based on the appraisal. Depending on the allocation of value between the 100 acres and the 30-acre industrial property and the final decision by the current buyer, there is a slight chance the Friends would negotiate the purchase of all 130 acres.

In terms of the funding situation, following the conclusion of the Cathton Investments, Inc. property acquisition, the Conservancy had a balance of approximately \$6,964,685 in Proposition 40 funds, including the FY 2004-05 appropriations (our final appropriation of Proposition 40 funds). Since the Cathton closing, three other previously approved grant funded projects have been completed, totaling \$645,916. Thus, approximately \$6,318,769 remains. In addition, the following amounts have been committed but not yet expended:



\$ 960,000	Grant to the Friends for approximately 384 acres in Chino Canyon
\$ 46,500	Grant to the Friends for 5 acres in the National Monument (Hawksworth – may be spent by December 31)
\$1,200,000	Grant to the Friends for approximately 134 acres in the National Monument
<u>\$ 250,000</u>	Grant to the Friends as matching funds for an EEM grant
<u>\$2,456,500</u>	TOTAL APPROVED NOT YET DISBURSED

The current balance of Prop 40 funds unexpended and uncommitted is, therefore, approximately \$3,862,269. In addition, \$686,000 in Prop 12 funds has come back to the Conservancy from the Friends as reimbursement from the sale to USFS and BLM of land purchased by the Friends with Conservancy grants. This has been reauthorized for expenditure in FY 2004-05, giving us a total of approximately \$4,548,269 in uncommitted capital outlay funds.

Thus, there are sufficient funds available to fund the proposed project. Staff is also keeping in mind other potential acquisitions that may appear before the Board in the next few months in recommending approval of the grants before the Board this month.

## **RECOMMENDATION**

Staff recommends approval of Resolution 2005-01 approving a grant to the Friends of the Desert Mountains for the acquisition of up to 130 acres in the Edom Hill area of the Indio Hills. The final amount and acreage for the grant will be provided at the meeting.

**RESOLUTION 2005-01 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
JANUARY 10, 2005**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS OF  
THE DESERT MOUNTAINS FOR  
ACQUISITION OF PROPERTY IN THE  
EDOM HILL AREA OF THE INDIO HILLS**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, APNs 659-130-009 and 010, and 659-140-012 in Section 22, T3S R5E and 659-180-012, in Section 27, T3S R5E, comprising 130 acres in unincorporated Riverside County in the Indio Hills area contain important biological resource values, including a sand source for the Willow Hole Preserve, where the Conservancy owns land, and for Stebbins' Dune, where the Friends owns lands acquired with a previous Conservancy grant; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the parcels have been appraised at \$ \_\_\_\_\_ and closing costs are estimated to total no more than \$ \_\_\_\_\_; and

WHEREAS, the Friends requests a local assistance grant for the purchase of this property; and

WHEREAS, the Conservancy has sufficient capital outlay money to fund the acquisition; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a grant of not to exceed \$1,110,000 (final purchase price and closing costs will be inserted at meeting) to the Friends for acquisition

of all or some of the Property, with the price paid to be proportionate to the number of acres acquired; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to the Friends for each parcel and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That the Friends shall execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than December 31, 2005, unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;
6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency; and

8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by the Friends prior to acquisition of said properties.
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 10th day of January 2005, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Allan Muth, Chairman  
Coachella Valley Mountains Conservancy

ATTEST: \_\_\_\_\_  
Clara Slifkin  
Deputy Attorney General

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF PROPERTY**

*[A legal description of the properties will be prepared by the Title Company and provided to the Conservancy by the Friends prior to the disbursement of grant funds. The preliminary legal description is shown below.]*

#### **PARCEL 1 (APN 659-140-012)**

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 5 EAST, ACCORDING TO THE OFFICIAL PLAT THEREOF.

#### **PARCEL 2 (APN 659-130-009)**

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 5 EAST, ACCORDING TO THE OFFICIAL PLAT THEREOF.

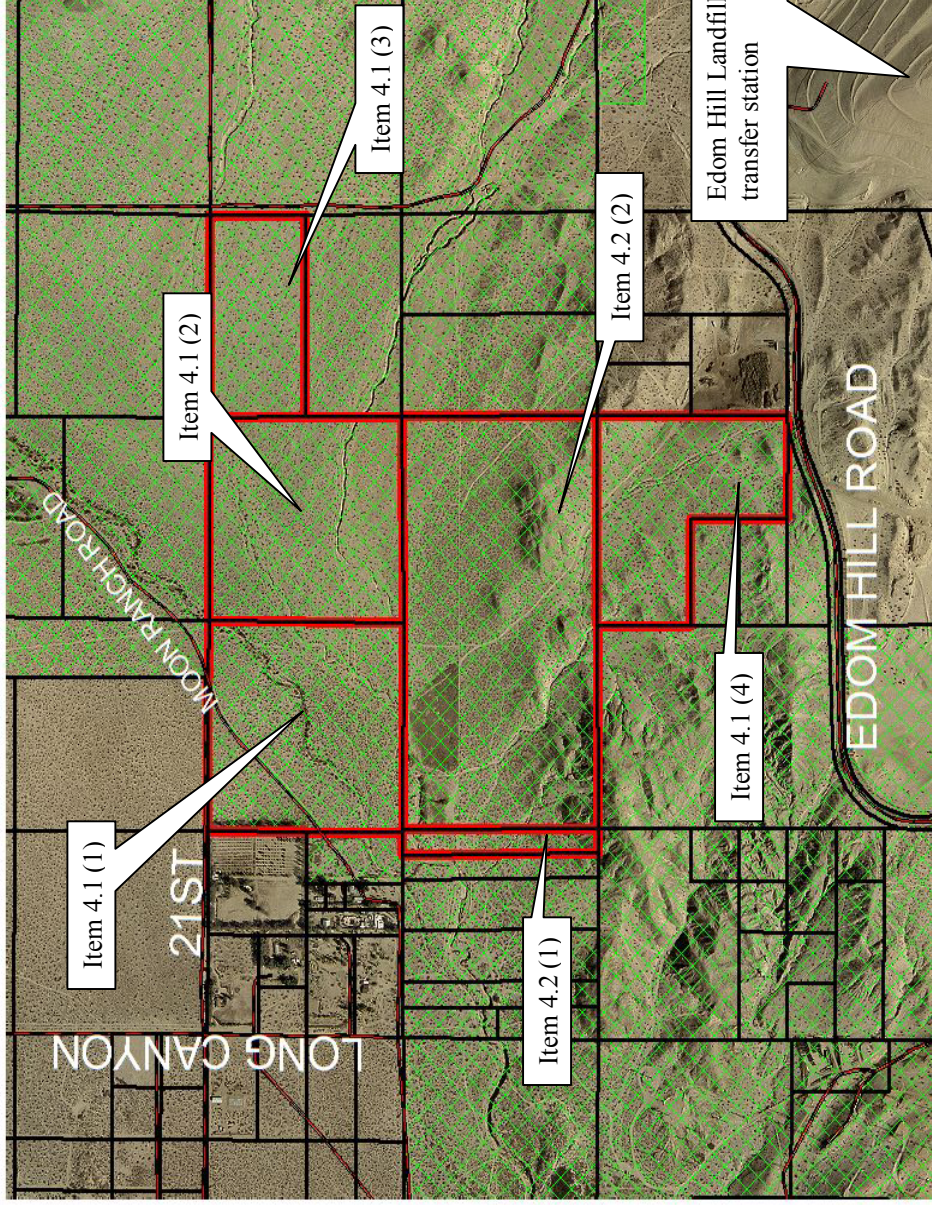
#### **PARCEL 3 (APN 659-130-010)**

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 5 EAST, ACCORDING TO THE OFFICIAL PLAT THEREOF.

#### **PARCEL 4 (APN 659-180-012)**

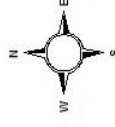
THE NORTH HALF AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 5 EAST, ACCORDING TO THE OFFICIAL PLAT THEREOF.

# Subject Parcels & Draft Preferred CVMSHCP



## Legend

- Streets
- Parcel Boundaries
- Subject Parcels
- Draft Preferred CVMSHCP



Jim Sullivan  
Coachella Valley  
Association of Governments  
December 23 2004



DISCLAIMER: CVAG and The County of Riverside assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. CVAG and County GIS and other sources should be queried for the most current information. Horizontal accuracy: Parcel data is of mapping grade (quality) only and does not represent reliable locations or legal boundaries. User assumes all risk of use of this product. Do not copy or resell this map.



## **ATTACHMENT 2 – January 10, 2005**

**Agenda Item 4.2** Resolution 2005-02 approving a grant to the Friends of the Desert Mountains for the acquisition of approximately 85 acres in the Edom Hill area of the Indio Hills.

### **BACKGROUND**

The Friends of the Desert Mountains has requested a grant for the acquisition of approximately 85 acres (Section 22, T3S R5E) in the Indio Hills area, adjacent to the property described in Item 4.1 [See attached map]. The 85 acres includes two parcels. One 5-acre parcel is adjacent to the larger 80-acre parcel. Both are located at the base of the Indio Hills on the north side of Edom Hill. This acreage is east of the existing Willow Hole Preserve and contains an important wash that acts as a sand source for the area just beyond Willow Hole known as Stebbins' Dune. A major portion of the Stebbins' Dune was acquired by the Friends several years ago with a grant from the Conservancy.

This property is in the process of being appraised along with the property in Item 4.1. The results of this appraisal will not be available until January 5. As with Item 4.1, this grant proposal has been placed on the January agenda for Governing Board consideration even though final details of an acquisition remain to be determined at the time the agenda packet was being prepared. Those details will be presented at the Board meeting with a final recommendation as to the amount of the grant. After receipt of the appraisal, the Friends will negotiate the final acreage to be acquired and the purchase price based on the appraisal. Staff has estimated the value of the property at \$2,500/acre for the purpose of evaluating a potential grant pending completion of the appraisal. For 85 acres, this would put the purchase price at \$212,500. Up to an additional \$10,000 is assumed for closing costs which would be added to the purchase price for the total grant amount. This grant amount is estimated at \$222,000.

All the parcels are proposed for conservation in the Draft Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The parcels are in the unincorporated area and have a land use designation of Rural Desert, which allows one unit per ten acres.

As explained in Attachment 1, the Conservancy has a current balance, including Proposition 40 funds and reimbursement by the Friends of grants funded by Proposition 12, of approximately \$4,548,269 in uncommitted capital outlay funds. Thus, there are sufficient funds available to fund the proposed project in addition to the project in Item 4.1. Staff is also keeping in mind other potential acquisitions that may appear before the Board in the next few months in recommending approval of the grants before the Board this month.

### **RECOMMENDATION**

Staff recommends approval of Resolution 2005-02, approving a grant to the Friends of the Desert Mountains of an amount not to exceed purchase price and closing costs (grant amount to be provided at meeting) for the acquisition of approximately 85 acres in the Indio Hills/Edom Hill area.

**RESOLUTION 2005-02 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
JANUARY 10, 2005**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO  
THE FRIENDS OF THE DESERT MOUNTAINS FOR  
ACQUISITION OF PROPERTY IN THE  
EDOM HILL AREA OF THE INDIO HILLS**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, APNs 659-130-007 and 659-130-008, in Section 22, T3S R5E, comprising 85 acres in unincorporated Riverside County in the Indio Hills area contain important biological resource values, including a sand source for the Willow Hole Preserve, where the Conservancy owns land, and for Stebbins' Dune, where the Friends own lands acquired with a previous Conservancy grant; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the parcels have been appraised at \$\_\_\_\_\_ and closing costs are estimated to total no more than \$\_\_\_\_\_; and

WHEREAS, the Friends requests a local assistance grant for the purchase of this property; and

WHEREAS, the Conservancy has sufficient capital outlay money to fund the acquisition; and



WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a grant of not to exceed \$\_\_\_\_\_ (final purchase price and closing costs will be provided at meeting) to the Friends for acquisition of all or some of the Property, with the price paid to be proportionate to the number of acres acquired; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to the Friends for each parcel and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That the Friends shall execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than December 31, 2005, unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;

6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon the request by either agency; and
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by the Friends prior to acquisition of said properties.
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 10th day of January, 2005, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Allan Muth, Chairman  
Coachella Valley Mountains Conservancy

ATTEST: \_\_\_\_\_  
Clara Slifkin  
Deputy Attorney General

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF PROPERTY**

*[A legal description of the properties will be prepared by the Title Company and provided to the Conservancy by the Friends prior to the disbursement of grant funds. The preliminary legal description is shown below.]*

#### **PARCEL 1 (APN 659-130-007)**

THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 5 EAST, ACCORDING TO THE OFFICIAL PLAT THEREOF.

#### **PARCEL 2 (APN 659-130-008)**

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 5 EAST, ACCORDING TO THE OFFICIAL PLAT THEREOF.

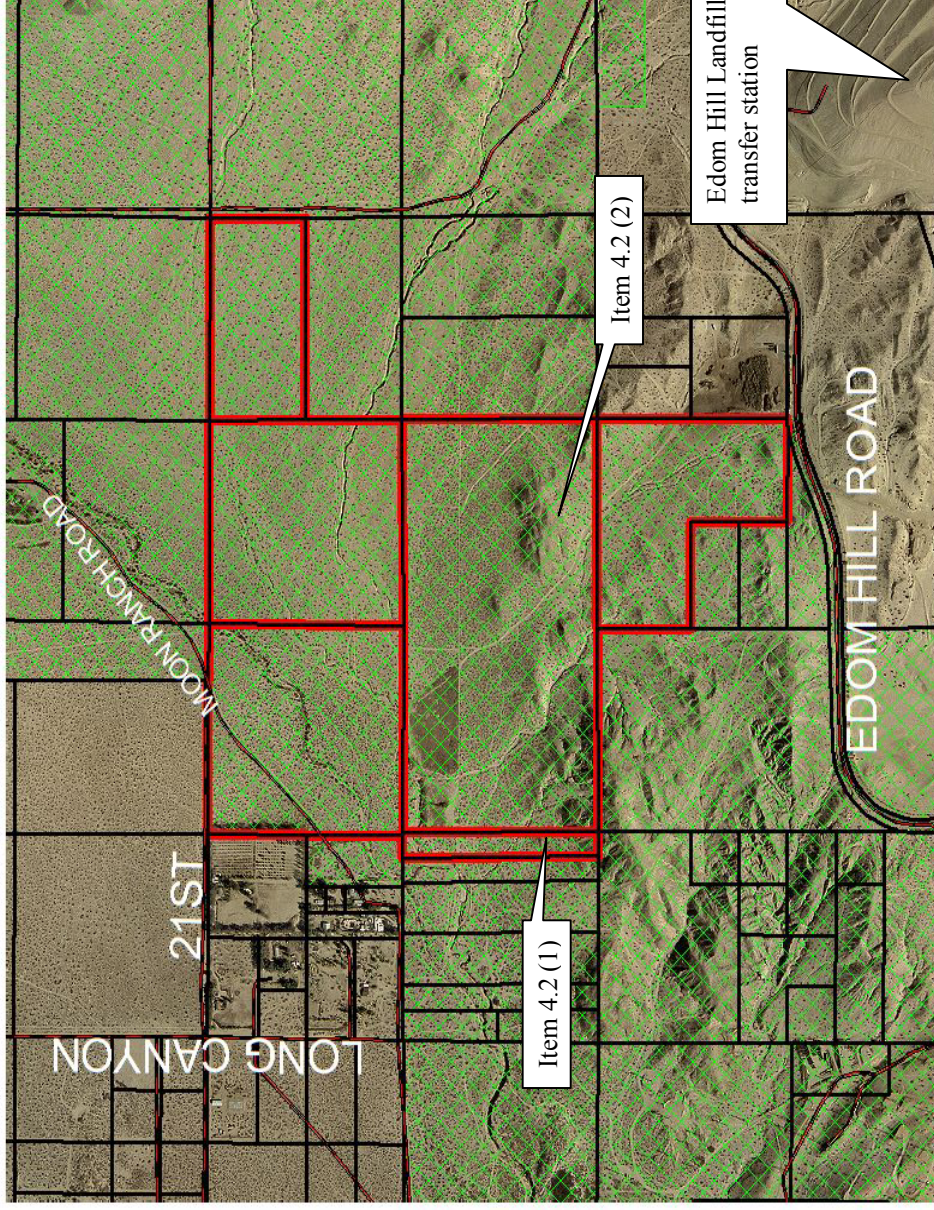
# Subject Parcels & Draft Preferred CVM SHCP

## Legend

- Streets
- Parcel Boundaries
- Subject Parcels
- Draft Preferred CVM SHCP



Jim Sullivan  
Coachella Valley  
Association of Governments  
December 23 2004



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## ATTACHMENT 3

### Agenda Item 7.0: Reports

#### 7.1 **Fiscal and Administration**

***Ethics Training reminder.*** Conservancy Governing Board Members are reminded that ethics training certificates are due by December 31<sup>st</sup>, 2004.

#### 7.2 **Acquisitions and Funding**

The Friends of the Desert Mountains acquired six parcels through tax-default in mid-December 2004. They are also ready to close by December 31, 2004 on 5 acres in the Santa Rosa Mountains in Section 5, in the La Quinta area south of Lake Cahuilla, funded by a Conservancy grant. The Friends also recently acquired 160 acres in Martinez Canyon at the south eastern end of the Santa Rosa and San Jacinto Mountains National Monument.

#### 7.3 **Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (CVMSHCP or Plan)**

Public hearings for the Coachella Valley Multiple Species Habitat Conservation Plan/ Natural Communities Conservation Plan were held on November 17 in La Quinta (overall Plan), November 30 in Cathedral City (trails only), December 4 in Palm Desert (trails only), and December 9 in Palm Springs (overall Plan). These hearings provided the public with an opportunity to hear a brief presentation on the Plan and the Santa Rosa and San Jacinto Mountains Trails Plan as an element of the CVMSHCP. The public also had an opportunity to comment on the Plan.

The public comment period for the CVMSHCP closes at 5 p.m. on February 3, 2005. After the public comment period, a final Plan and final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) will be issued.

#### 7.4 **Attorney General's Report.**

Clara Slifkin will provide an oral report as needed at the meeting.